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IN THE

Supreme Court of the United States

October Term, 1963

No. 753

DANIEL KIRK, *Petitioner*

v.

CHARLES H. BOEHM, ETC., ET AL.,
Respondents

PETITION FOR REHEARING

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PETITION FOR REHEARING

This is a petition for rehearing on a judgment denying, after hearing, a petition for preliminary injunction against the Pennsylvania School Reorganization Act, Public Law 561, as amended.

By order of March 23, 1964, the Supreme Court affirmed the determination of the District Court appealed from that the law denies petitioner the right to vote protected by Article IV, Section 4, of the United States Constitution, and otherwise assumed jurisdiction.

The denial of the right to vote inflicts irreparable harm upon petitioner and upon the electorates with whom this interest is identified and raises substantial questions under the federal constitution. A preliminary injunction will issue upon the making of such a prima facie case of unconstitutionality. (*Mayo v. Lakeland Canning Co.*, 309 U. S. 310)

Petitioner respectfully submits that the making of a prima facie case is a necessary prerequisite to the granting

of injunctive relief pursuant to every federal court action and that any deprivation of a constitutionally protected right is irreparable.

The petitioner therefore respectfully prays that the Court preliminarily enjoin the appellees from further implementing the provisions of Public Law 561, as amended, pending the granting or allowing of such permanent and declaratory relief as the Court determines is necessary and appropriate to the proceedings which are the subject of this civil action, including, (1) a declaratory judgment clarifying the republican character of the public school system of the Commonwealth, (2) a judicial statement of the rights of the people under a republican form of government, including any individual member thereof, in and to their government, and (3) the establishment of a clear precedent for the bringing of public interest actions in the federal courts.

Respectfully submitted,

DANIEL KIRK,

Attorney, pro se